

# LATHAM & WATKINS

PAUL R. WATKINS (1899 - 1973)  
DANA LATHAM (1898 - 1974)

## ATTORNEYS AT LAW

1001 PENNSYLVANIA AVE., N.W.

SUITE 1300

WASHINGTON, D.C. 20004-2505

TELEPHONE (202) 637-2200

FAX (202) 637-2201

### CHICAGO OFFICE

SEARS TOWER, SUITE 5800  
CHICAGO, ILLINOIS 60606  
PHONE (312) 876-7700, FAX 993-9767

### HONG KONG OFFICE

SUITE 2205A, 22ND FLOOR  
NO. 9 QUEEN'S ROAD CENTRAL  
HONG KONG  
PHONE + 852-2522-7886, FAX 2522-7006

### LONDON OFFICE

ONE ANGEL COURT  
LONDON EC2R 7HJ ENGLAND  
PHONE + 44-171-374 4444, FAX 374 4460

### LOS ANGELES OFFICE

633 WEST FIFTH STREET, SUITE 4000  
LOS ANGELES, CALIFORNIA 90071-2007  
PHONE (213) 485-1234, FAX 891-8763

### MOSCOW OFFICE

ULITSAS GASHEKA, 7, 9TH FLOOR  
MOSCOW 123056, RUSSIA  
PHONE + 7-095 785-1234, FAX 785-1235

### NEW JERSEY OFFICE

ONE NEWARK CENTER, 16TH FLOOR  
NEWARK, NEW JERSEY 07101-3174  
PHONE (973) 639-1234, FAX 639-7298

### NEW YORK OFFICE

885 THIRD AVENUE, SUITE 1000  
NEW YORK, NEW YORK 10022-4802  
PHONE (212) 906-1200, FAX 751-4864

### ORANGE COUNTY OFFICE

650 TOWN CENTER DRIVE, SUITE 2000  
COSTA MESA, CALIFORNIA 92626-1925  
PHONE (714) 540-1235, FAX 755-8290

### SAN DIEGO OFFICE

701 'B' STREET, SUITE 2100  
SAN DIEGO, CALIFORNIA 92101-8197  
PHONE (619) 236-1234, FAX 696-7419

### SAN FRANCISCO OFFICE

505 MONTGOMERY STREET, SUITE 1900  
SAN FRANCISCO, CALIFORNIA 94111-2562  
PHONE (415) 391-0600, FAX 395-8095

### SILICON VALLEY OFFICE

135 COMMONWEALTH DRIVE  
MENLO PARK, CALIFORNIA 94025  
PHONE (650) 328-4600, FAX 463-2600

### SINGAPORE OFFICE

20 CECIL STREET, SUITE 25-02  
THE EXCHANGE, SINGAPORE 049705  
PHONE + 65-536-1161, FAX 536-1171

### TOKYO OFFICE

INFINI AKASAKA, 8-7-15, AKASAKA, MINATO-KU  
TOKYO 107-0052, JAPAN  
PHONE +813-3423-3970, FAX 3423-3971

July 2, 1999

DOCKET FILE COPY ORIGINAL

## VIA HAND DELIVERY

Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Filing Counter TW-A325  
Washington, DC 20554

RECEIVED

JUL 2 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: CenturyTel of the Gem State, Inc.  
CentruyTel of Chester, Inc.  
Petitions for Waiver of the FCC's Dialing Parity Rules  
(CC Docket 96-98, NSD-L-98-121)

Dear Ms. Salas:

Pursuant to Section 251(f)(2) of the Communications Act of 1934, as amended (the "Act"), on April 21, 1999 CenturyTel of the Gem State, Inc. and CenturyTel of Chester, Inc. (collectively, "CenturyTel") filed petitions for limited suspension of the dialing parity requirements of Section 251(b)(3) of the Act and Sections 51.205 through 51.213 of the FCC's rules, as modified by the FCC's *Order* released March 23, 1999 (Docket No. 96-98, NSD File No. 98-121) in the following states: Idaho, Iowa, Minnesota and Nevada.<sup>1</sup> According to Section 251(f)(2) of the Act, states have up to 180 days to act on these petitions.

<sup>1</sup> Another CenturyTel affiliate, Telephone Utilities of the Northland, Inc. ("TUNI"), also filed a 251(f)(2) petition with the Alaska Public Utilities Commission. TUNI was subsequently sold to ALEC Acquisition Sub Corp., so this letter does not address that pending waiver petition.

No. of Copies rec'd 0+2  
List A B C D E

Magalie Roman Salas, Secretary  
July 2, 1999  
Page 2

This is to inform the Commission that CenturyTel's petitions all have been granted as of the following dates:

Idaho Public Utilities Commission – June 7, 1999

Iowa Utilites Board – May 6, 1999

Minnesota Public Utilities Commission – June 4, 1999

Public Utilities Commission of Nevada – June 17, 1999

Copies of the relevant orders from each of the above agencies are attached.

Therefore, CenturyTel believes its request of April 22, 1999 that the FCC waive the dialing parity requirements for CenturyTel until the states have had an opportunity to act on the above-mentioned petitions is now moot, and CenturyTel respectfully withdraws the request for waiver of the Commission's rules, to the extent it has not already been granted.

Please direct any questions concerning this matter to me at (202) 637-2262.

Very truly yours,

A handwritten signature in black ink, appearing to read 'KBrinkmann', with a long horizontal line extending to the right.

Karen Brinkmann  
Counsel to CenturyTel

Enclosures

cc: Gregory M. Cooke, NSD, CCB (w/ encl.)  
Robin Smolen, NSD, CCB (w/ encl.)

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Edward A. Garvey  
Joel Jacobs  
Marshall Johnson  
LeRoy Koppendraye  
Gregory Scott

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Joseph Scavetta  
Latham & Watkins  
1001 Pennsylvania Avenue NW, Suite 1300  
Washington, DC 20004-2505

SERVICE DATE: JUN 4 1999

DOCKET NO. P-509/M-99-544

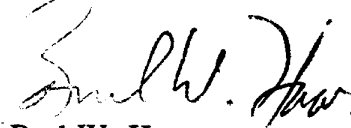
In the Matter of a Request by CenturyTel of Chester, Inc. for Approval of a Petition to Suspend the Dialing Parity Requirements

The above entitled matter has been considered by the Commission and the following disposition made:

**Approved**

The Commission agrees with and adopts the recommendations of the Department of Public Service which are attached and hereby incorporated in the Order.

BY ORDER OF THE COMMISSION



Burl W. Haar  
Executive Secretary

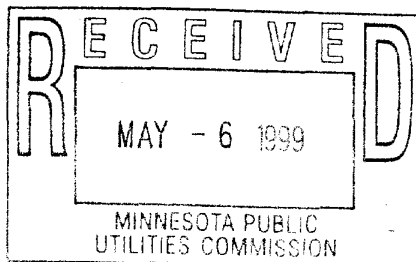
(S E A L)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 297-4596 (voice), (651) 297-1200 (TTY), or 1-800-627-3529 (TTY relay service).



**MINNESOTA  
DEPARTMENT OF  
PUBLIC SERVICE**

May 6, 1999



Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
350 Metro Square Building  
121 7th Place East  
St. Paul, Minnesota 55101-2147

**RE: Comments of the Minnesota Department of Public Service  
Docket No. P509/M-99-544**

Dear Dr. Haar:

Attached are the comments of the Department of Public Service in the following matter:


Petition of CenturyTel of Chester, Inc. to suspend the dialing parity requirements.

The petition was filed on April 22, 1999. The petitioner is:

Joseph Scavetta  
Latham & Watkins  
1001 Pennsylvania Avenue N.W.  
Suite 1300  
Washington, D.C. 20004-2505

The Department recommends **approval** and is available to answer any questions the Commission may have.

Sincerely,

  
DIANE DIETZ  
RATES ANALYST

DD/jd



**MINNESOTA  
DEPARTMENT OF  
PUBLIC SERVICE**

**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

**COMMENTS OF THE  
MINNESOTA DEPARTMENT OF PUBLIC SERVICE**

**DOCKET NO. P509/M-99-544**

**SUMMARY OF UTILITY PROPOSAL**

On April 22, 1999, CenturyTel of Chester Inc. (CT) filed a petition for a limited suspension of the dialing parity obligations as imposed by the Federal Communications Commission (FCC). The Department recommends approval of CT's petition.

**DEPARTMENT ANALYSIS AND RECOMMENDATION**

*BACKGROUND*

In its March 23, 1999 ORDER IN THE MATTER OF THE LOCAL COMPETITION PROVISIONS OF THE TELECOMMUNICATIONS ACT OF 1996 AND PETITION OF SOUTHWESTERN BELL TELEPHONE COMPANY, et al. in Docket No. 96-98, NSD File No. 98-121, the FCC extended the deadline for full implementation of intraLATA toll dialing parity. According to 47 U.S.C. 153, section 3 (15), dialing parity means that a person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of that customer's designation from among 2 or more telecommunications services providers (including such local exchange carrier).

Section 251(f)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, permits states to suspend the obligations set forth in Section 251(b) for rural carriers. Section 251(b) indicates that the State shall grant a petition to suspend the dialing parity requirements when it determines that such a suspension or modification

- (A) is necessary – (i) to avoid a significant adverse economic impact on users of telecommunications services generally; (ii) to avoid imposing a requirement that is unduly economically burdensome; or (iii) to avoid imposing a requirement that is technically infeasible; and
- (B) is consistent with the public interest, convenience, and necessity.

In its petition of April 22, 1999, CT states that it qualifies for the suspension, because (i) it is a rural incumbent local exchange company with less than two percent of the nation's installed subscriber lines in the aggregate, (ii) the dialing parity requirements are technically infeasible at this time, and (iii) the suspension is consistent with the public interest. Century Telephone Enterprises, Inc, through its various rural subsidiaries such as CT, serves 0.7 percent of the nation's installed subscriber lines in the aggregate. CT provides service to 244 access lines of which 52 are located in Minnesota and 192 are located in Chester, Iowa. CT has stated that its existing switch is incapable of offering dialing parity and the Company is not planning on replacing this switch until the end of the first quarter of the year 2000. According to CT, early replacement of the switch will be unduly burdensome and would adversely impact end users due to the increased costs involved in scheduling early replacement of the switch. CT expects to offer dialing parity by the end of the second quarter of the year 2000.

#### COMMENTS AND RECOMMENDATION

The Department believes that CT's petition for suspension of the dialing parity requirements until the end of the second quarter of the year 2000 meets the criteria listed in Section 251(f)(2) of the act. CT installed the existing switch on January 14, 1992 and the switch has been in place for just over seven years. The Department has found that switches can generally be expected to last from eight to twelve years, so waiting another year to replace the switch would take advantage of the switch's expected useful life. Furthermore, CT would face a significant economic burden if it were required to expedite the date for installation of the new switch in the Chester exchange given that the Minnesota Public Utilities Commission has previously given CT the authority to establish its own time frame to replace its switch. In the June 7, 1995 ORDER EXTENDING DEADLINE FOR PROVIDING EQUAL ACCESS in the matter of an investigation into intraLATA equal access and presubscription in Docket Nos. P999/CI-93-1176 and P999/CI-87-697, the Commission granted CT a time extension, beyond the January 1, 1997 deadline, with respect to the provision of interLATA and intraLATA equal access service to its customers in the Chester exchange. CT is required, pursuant to the June 7, 1995 Order, to provide these equal access "services at the time the switch serving the Chester exchange is replaced or when required by the Iowa Utilities Board, whichever is earlier." In approving the time extension, the Commission stated that "the costs to the Company, and in turn its customers, would be prohibitive to provide equal access today. In addition, autodialers and speed - dialing service are at best poor substitutes for real equal access. These half - way measures will not be required at this

time." The arguments offered by CT, in requesting a time extension in the current case, are similar to the arguments offered by CT and accepted by the Commission in granting the time extension in the Order of June 7, 1995. The Department has no objections to CT's petition and, therefore, recommends approval of the suspension of the dialing parity requirements as proposed by the Company.

#### **RECOMMENDATION**

Approve

/jd

STATE OF MINNESOTA )  
COUNTY OF RAMSEY ) ss  
)

AFFIDAVIT OF SERVICE

I, **Linda Chavez**, on the **6th** day of **May**, **1999**, served the attached  
**DPS Comments**

Docket Numbers: **P509/M-99-544**

- X by depositing in the United States Mail at the City of St. Paul, a true and correct copy thereof, properly enveloped with postage prepaid.
- X by personal service
- by express mail
- by delivery service

to all persons at the addresses indicated below or on the attached list:

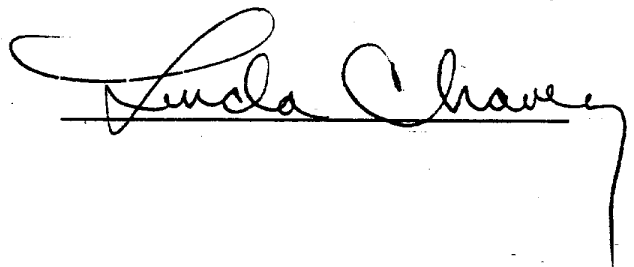
Burl Haar  
PUC  
(Ste 350)

Linda Chavez  
DPS  
(Ste 200)

J. Jeffery Oxley  
DPS/OAG

Curt Nelson  
RUD/OAG

Company(s) listed on the cover letter

  
\_\_\_\_\_



## BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

In re petition of CENTURYTEL OF THE GEM STATE, INC. )  
 for a limited suspension of the dialing parity requirements for ) Docket No. 99-4038  
 a rural local exchange carrier. )

---

At a general session of the Public Utilities  
 Commission of Nevada, held at its offices  
 on June 17, 1999.

PRESENT: Chairman Judy M. Sheldrew  
 Commissioner Donald L. Soderberg  
 Commissioner Michael A. Pitlock  
 Commission Secretary Jeanne Reynolds

**ORDER**

The Public Utilities Commission of Nevada ("Commission") makes the following findings of fact and conclusions of law:

1. On April 22, 1999, CenturyTel of the Gem State, Inc. ("Petitioner") filed a petition with the Commission, designated as Docket No. 99-4038, requesting a limited suspension of the dialing parity obligations of 47 U.S.C. § 251(b)(3).
2. Pursuant to 47 U.S.C. § 251(b)(3), all local exchange carriers ("LECs") have the duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service.
3. To ensure that each LEC is providing toll dialing parity, the Federal Communications Commission ("FCC") recently ordered all LECs to file a plan with the state regulatory commission for each state in which the LEC provides telephone exchange service, describing how intraLATA toll dialing parity will be provided. Pursuant to the order released by the FCC (FCC 99-54) on March 23, 1999, in CC Docket No. 96-98, all LECs must file intraLATA toll dialing parity plans no later than April 22, 1999. The order directs the state regulatory commission(s) to rule on the intraLATA dialing plans by June 22, 1999 and requires that LECs offer toll dialing parity within 30 days after such approval.
4. Pursuant to 47 U.S.C. § 251(f)(2), state regulatory commissions may suspend the aforementioned obligations for LECs having less than two percent of the nation's installed subscriber lines in the aggregate and where necessary: (1) to avoid a significant adverse economic impact on users

Docket No. 99-4038

Page 2

of telecommunications services generally; (2) to avoid imposing a requirement that is unduly economically burdensome; or (3) to avoid imposing a requirement that is technically infeasible. In addition, the state commission(s) must determine that the requested suspension or modification is consistent with the public interest, convenience, and necessity. Petitioner believes that because it qualifies for suspension pursuant to these requirements, the Commission may suspend its dialing parity obligations.

5. Petitioner is authorized under the name "CenturyTel of Gem State, Inc. d/b/a Century Tel," to operate as a local exchange carrier within the State of Nevada in the Owyhee and Mountain City exchanges pursuant to Certificate of Public Convenience and Necessity 646 SUB 2. Petitioner states that it is a rural LEC providing service to customers in Nevada and Idaho. Petitioner further states that it is a subsidiary of the parent company Century Telephone Enterprises, Inc., which served only 0.7 percent of the nation's installed subscriber lines in the aggregate (through all of its various subsidiaries throughout the United States) as of March 31, 1999. According to Petitioner, it provides local exchange service to access lines in Owyhee (379 customers) and Mountain City (64 customers) served from Petitioner's DCO switch in Owyhee. Petitioner states that the switch is linked by microwave radio to a switch in Grandview, Idaho. Petitioner describes the DCO switch as being old and technically incapable of providing 1+ intraLATA toll dialing parity. Petitioner explains that the switch does not allow 1+ equal access for interexchange calls.

6. As part of its national evaluation of its telephone systems, Petitioner states that it has scheduled the Nevada exchanges for capital improvements. Petitioner's construction timetable calls for installation of a remote switch in Owyhee and the construction of a fiber optic link between the Owyhee remote and the main switch in Grandview. Petitioner represents that the company is in the process of finalizing the rights-of-way and permits, and expects to have construction completed by September 30, 2000. Until this process is completed, Petitioner maintains that it is technically infeasible and unduly economically burdensome to offer dialing parity for its access lines. Petitioner requests a limited suspension, pursuant to 47 U.S.C. § 251(f)(2), until September 30, 2000, in order to implement the plan.

7. This Petition comes within the purview of the Commission's jurisdiction pursuant to the Nevada Revised Statutes ("NRS") and Nevada Administrative Code ("NAC") Chapters 703 and 704,

Docket No. 99-4038

Page 3

47 U.S.C. §§ 251 *et seq.* and, in particular, 47 U.S.C. § 251(b)(3) and FCC 99-54.

8. The Commission issued a public notice of this Petition in accordance with state law and the Commission's Rules of Practice and Procedure. No protests were filed pursuant to this public notice. The Commission may dispense with a hearing under these circumstances.

9. The Regulatory Operations Staff ("Staff") of the Commission has completed its review of this Petition. According to Staff, Petitioner represents that it will notify the Commission and submit a dialing-parity implementation plan upon completion of the aforementioned construction program. Staff states that Petitioner is aware that it must also file tariffs which describe the dialing parity plan. Staff concludes that the Petitioner's existing system is not capable of complying with 1+ dialing parity and that the Petitioner qualifies for limited suspension of its intraLATA dialing parity plan pursuant to 47 U.S.C. § 251(f)(2). Staff recommends that the Petition be approved and that the Petitioner be granted a suspension until September 30, 2000, to implement the plan.

10. At a duly noticed agenda meeting held on June 17, 1999, the Commission voted to accept Staff's recommendations in this matter.

11. The Commission finds that it is in the public interest to grant this Petition.

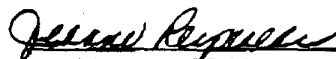
12. The Commission concludes that the provisions of 47 U.S.C. § 251(f)(2) have been met. Therefore, based upon the foregoing findings and conclusions, it is hereby ORDERED that:

1. The Petition of CenturyTel of the Gem State, Inc., designated as Docket No. 99-4038, is APPROVED.

2. CenturyTel of the Gem State, Inc. shall be GRANTED a suspension until September 30, 2000, to implement the intraLATA dialing parity plan.

3. The Commission retains jurisdiction for the purpose of correcting any errors which may have occurred in the drafting or issuance of this Order.

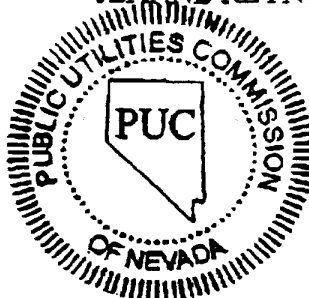
By the Commission,



JEANNE REYNOLDS, Commission Secretary

Dated: Carson City, Nevada

(SEAL) 6-29-99



## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PETITION OF, )  
CENTURYTEL OF THE GEM STATE, INC. FOR) CASE NO. CGS-T-99-2  
LIMITED SUSPENSION OF ITS 47 U.S.C. § )  
251(B)(3) OBLIGATION TO IMPLEMENT )  
INTRASTATE, INTRALATA DIALING PARITY ) ORDER NO. 28056  
FOR EIGHTY-EIGHT (88) LINES IN THE )  
GRAEMERE, IDAHO. )  
\_\_\_\_\_)

On April 22, 1999, pursuant to 47 U.S.C. §251(f)(2), CenturyTel of the Gem State, Inc. filed a Petition requesting a limited suspension of its dialing parity obligations imposed by 47 U.S.C. § 251(b)(3) for eighty-eight (88) access lines in its Grasmere-Riddle, Idaho exchange. On May 4, 1999, the Commission ordered the Petition be considered on Modified Procedure. Order No. 28030.

On May 25, 1999, Staff filed comments recommended approval of the Petition. No other party filed comments.

Based on the record, the Petition, the comments and the law, the Commission grants the Petition.

### BACKGROUND

Toll dialing parity, also referred to as "1 plus equal access" or carrier presubscription, allows a customer to pre-select a carrier for intrastate, intraLATA toll calls and then access his chosen carrier simply by dialing 1 plus the telephone number. Without dialing parity, a customer wishing to use a specific toll carrier may be required to dial a series of numbers before dialing the telephone number.

Section 251(b)(3) of the Telecommunications Act of 1996 requires all LECs to provide dialing parity. By order dated March 23, 1999, in FCC Docket No. 96-98, the FCC requires all LECs to file their dialing parity plans with state commissions by April 22, 1999. Upon petition by a local exchange carrier with fewer than two percent (2%) of the Nation's subscriber lines installed in the aggregate nationwide, the Commission may suspend or modify any of the obligations of Section 251(b), provided the Commission determines that such suspension or modification is necessary to:

- (i) avoid a significant adverse economic impact on users of telecommunications services generally;
- (ii) avoid imposing a requirement that is unduly economically burdensome; or
- (iii) avoid imposing a requirement that is technically infeasible; and
- (iv) be consistent with the public interest, convenience, and necessity.

47 U.S.C. § 251(f)(2). The Commission must act upon the petition within one-hundred eighty (180) days after receiving the petition. *Id.*

CenturyTel has fewer than two percent (2%) of the Nation's subscriber lines installed in the aggregate nationwide.

#### **CENTURYTEL'S PETITION**

In its Petition, CenturyTel states that these access lines are served out of CenturyTel's DCO switch located in Owyhee, Nevada, and the switch is currently technically incapable of providing dialing parity. It further states that a new remote switch served through new fiber optic cable located in Grandview, Idaho, is scheduled to be installed by the end of the second quarter of the year 2000. Cost estimates submitted to the Nevada Commission are approximately \$2.5 million for the project. Until then, CenturyTel states it cannot offer dialing parity to those eighty-eight (88) access lines. In addition, CenturyTel states it must obtain rights-of-way and permits from the Shoshone-Paiute Nation and the Army Corps of Engineers for routing through a federally protected area. CenturyTel states that with these upgrades, intraLATA dialing parity will be made available to the eighty-eight (88) access lines CenturyTel has in its Grasmere-Riddle, Idaho exchange.

Therefore, CenturyTel alleges that it is in the public interest to suspend its dialing parity obligations imposed by 47 U.S.C. § 251(b)(3) until the third quarter of the year 2000. CenturyTel filed a timely dialing parity plan as required by the Federal Communications Commission (FCC) order dated March 23, 1999, in FCC Docket No. 96-98, that requires all Local Exchange Carriers (LECs) to file their dialing parity plans with state commissions by April 22, 1999.

## STAFF RECOMMENDATION

Staff reviewed the Petition and consulted with the Nevada Commission regarding this matter. Based on its review, Staff recommended the Commission grant the Petition and order the intraLATA toll dialing parity obligations be suspended until September 30, 2000. Staff agreed with CenturyTel that intraLATA toll dialing parity for those CenturyTel customers served out of CenturyTel's Owyhee central office is technically infeasible at this time and suspension is consistent with the public interest, convenience, and necessity. Therefore, Staff found that CenturyTel met the criteria for eligibility for a suspension under 47 U.S.C. § 251(f)(2)(iii) and recommended granting the suspension.

## FINDINGS

The Commission finds it has the authority to grant the Petition pursuant to *Idaho Code* § 62-615 and 47 U.S.C. § 251(f)(2)(iii). The Commission further finds that intraLATA toll dialing parity for those CenturyTel customers served out of CenturyTel's Owyhee central office is technically infeasible at this time and suspension of the dialing parity obligations is consistent with the public interest, convenience, and necessity. Therefore, the Commission finds that CenturyTel meets the criteria for eligibility for a suspension under 47 U.S.C. § 251(f)(2)(iii) and recommends granting the suspension.

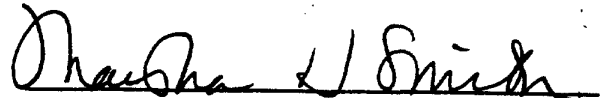
## ORDER


IT IS HEREBY ORDERED that the Petition of CenturyTel of the Gem State, Inc. for suspension of its dialing parity obligations until September 30, 2000 is granted.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. CGS-T-99-2 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. CGS-T-99-2. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 7<sup>th</sup>  
day of June 1999.

  
DENNIS S. HANSEN, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
PAUL KJELLANDER, COMMISSIONER

ATTEST:

  
Myrna J. Walters  
Commission Secretary

O:cgst992\_cc2.doc



THOMAS J. VILSACK  
GOVERNOR  
SALLY J. PEDERSON  
LT. GOVERNOR

IOWA UTILITIES BOARD  
IOWA DEPARTMENT OF COMMERCE

CENTURYTEL OF CHESTER, INC.

Docket No. SPU-99-11 (SPU-99-1)

"ORDER SUSPENDING DIALING PARITY REQUIREMENTS "

Issued May 6, 1999

Parties Served:

Joseph Scavetta  
Latham & Watkins  
Attorneys at Law  
1001 Pennsylvania Ave.,  
N.W., Suite 1300  
Washington , D.C. 20004-2505

Max A. Phillips  
U S WEST Communications, Inc.  
925 High Street 9 S 9  
Des Moines, Iowa 50309

Gary D. Stewart  
Consumer Advocate  
Department of Justice  
Consumer Advocate Division  
310 Maple Street  
Des Moines, IA 50319-0063

CERTIFICATE

The undersigned hereby certifies that the foregoing document has been served upon all parties of record in this proceeding in accordance with the requirements of the rules of the Iowa Utilities Board.

Dated May 6, 1999  
Shawnae Cameron



STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:

CENTURYTEL OF CHESTER, INC.

DOCKET NO. SPU-99-11  
(SPU-99-1)

**ORDER SUSPENDING DIALING PARITY REQUIREMENTS**

(Issued May 6, 1999)

On April 22, 1999, CenturyTel of Chester, Inc. (CenturyTel), filed a petition to suspend the dialing parity requirements of § 251(b)(3) of the federal Telecommunications Act of 1996, 47 U.S.C. § 251(b)(3). Section 251(b)(3) requires, among other things, each telecommunications carrier to provide dialing parity to competing providers of telephone exchange service and telephone toll service. Section 251(f)(2) permits the Board to suspend or modify the application of any requirement of § 251(b) or (c) for rural carriers, which are defined as local exchange carriers with fewer than two percent of the nation's subscriber lines. The Board may grant a suspension or modification if it determines it is:

1. Necessary to avoid significant adverse economic impact on users, to avoid imposing a requirement that is unduly economically burdensome, or to avoid imposing a requirement that is technically infeasible, and
2. Consistent with the public interest, convenience, and necessity.

47 U.S.C. § 251(f)(2). Because the dialing parity requirements are authorized pursuant to subsection (b) of § 251, the Board may suspend the requirements for a rural carrier.

In support of its petition , CenturyTel states that it is a rural telephone company, as defined, because it serves less than two percent of the nation's installed telephone lines, in the aggregate. CenturyTel is a subsidiary of Century Telephone Enterprises, Inc. (CTE), which is the parent of various rural carriers throughout the United States. As of March 31, 1999, CTE (through its subsidiaries) serves 0.7 percent of the nation's installed subscriber lines, in the aggregate. In Iowa , CenturyTel provides local exchange service to 192 access lines in and around Chester, Iowa, along with 52 lines located in Minnesota.

CenturyTel states that the switch it uses to provide service to its Iowa and Minnesota access lines, a DMS-10 CAMA switch, is incapable of offering dialing parity. A new switch is scheduled for installation by the end of the first quarter of 2000. Until the new switch is installed, it is technically infeasible for CenturyTel to offer dialing parity. After installation of the new switch, CenturyTel expects to be able to offer dialing parity by the end of the second quarter of 2000.

Finally, CenturyTel submits that suspension of the dialing parity requirements as applied to CenturyTel will serve the public interest, convenience, and necessity. CenturyTel states that accelerated replacement or upgrade of the existing switch would result in a significant adverse impact on its customers because of the increased costs associated with expedited replacement or upgrade. Relief from the dialing parity requirements would be only temporary; as soon as it is technically feasible, CenturyTel will notify the Board and submit an implementation plan.

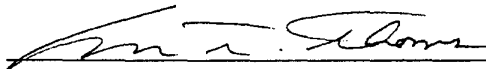
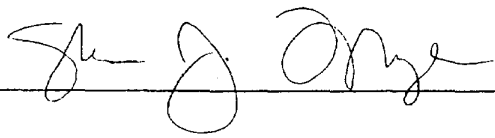
Based upon the information submitted by CenturyTel, the Board will grant the requested suspension of the dialing parity requirements of 47 U.S.C. § 251(b)(3).

CenturyTel is a rural carrier, as defined in the Act; CenturyTel's present switch makes dialing parity technically infeasible; accelerated switch replacement or upgrade would be unduly economically burdensome; and the public interest, convenience, and necessity will best be served by a limited suspension of the dialing parity requirements. The dialing parity requirements are suspended until June 30, 2000. CenturyTel shall file with the Board, no later than March 31, 2000, a plan for implementation of dialing parity no later than June 30, 2000.

**IT IS THEREFORE ORDERED:**

1. The "Petition Of CenturyTel of Chester, Inc., To Suspend The Dialing Parity Requirements For A Rural Local Exchange Carrier," filed with the Board on April 22, 1999, and identified as Docket No. SPU-99-11 (SPU-99-1), is granted. As applied to CenturyTel, the dialing parity requirements of 47 U.S.C. § 251(b)(3) are suspended, pursuant to 47 U.S.C. § 251(f)(2), until June 30, 2000.
2. As soon as it is technically feasible, and no later than March 31, 2000, CenturyTel shall file with the Board a plan for implementation of dialing parity no later than June 30, 2000.

**UTILITIES BOARD**

  
\_\_\_\_\_  
  
\_\_\_\_\_

ATTEST

  
\_\_\_\_\_  
Executive Secretary

Dated at Des Moines, Iowa, this 6th day of May, 1999.